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13
14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 IN RE ALLEGIANT TRAVEL CO.
17 STOCKHOLDER DERIVATIVE
18 LITIGATION

Case No: 2:18-CV-01864-GMN-CWH

(To be related to Case No. 2:18-CV-01758-APG-PAL)

**JOINT STIPULATION TO RELATE CASES
AND REASSIGN CASE TO THE
HONORABLE ANDREW P. GORDON;
ORDER**

Consolidated Complaint Filed: April 8, 2019

23
24 WHEREAS, on April 24, 2018, Daniel Checkman filed the Class Action Complaint in *Daniel*
25 *Checkman v. Allegiant Travel Company, et al.* (Case No. 2:18-cv-01758-JFW-AS) ("*Checkman*") in the
26 U.S. District Court for the Central District of California (the "Central District"), alleging violations of
27 Sections 10(b) and 20(a) of the Securities and Exchange Act of 1934 in connection with the Defendants'
28 statements concerning Allegiant's alleged safety practices;

1 WHEREAS, on July 20, 2018, Charles Blackburn filed the Shareholder Derivative Complaint in
2 *Charles Blackburn v. Maurice J. Gallagher, Jr., et al.* (Case No. 2:18-cv-06296-GW-SSx) (“*Blackburn*”)
3 in the Central District, alleging violations of Defendants’ fiduciary duties as members of Allegiant’s Board
4 of Directors and alleging conduct that overlaps factually with the allegations in *Checkman*;

5 WHEREAS, on September 11, 2018, the Honorable John F. Walter of the Central District issued
6 an Order in *Checkman* granting the parties’ joint stipulation to transfer venue to the U.S. District Court for
7 the District of Nevada (the “District of Nevada”);

8 WHEREAS, on September 11, 2018, *Checkman* was assigned to the Hon. Andrew P. Gordon;

9 WHEREAS, on September 26, 2018, Mark Fullenkamp filed the Shareholder Derivative Complaint
10 in *Mark Fullenkamp v. Maurice J. Gallagher, Jr., et al.* (Case No. 2:18-cv-01864-GMN-CWH)
11 (“*Fullenkamp*”) in the District of Nevada, alleging violations of Defendants’ fiduciary duties as members
12 of Allegiant’s Board of Directors and alleging conduct that is factually and legally related to the allegations
13 in *Checkman* and *Blackburn*;

14 WHEREAS, on September 26, 2018, *Fullenkamp* was assigned to the Hon. Gloria M. Navarro;

15 WHEREAS, on October 10, 2018, the Honorable George H. Wu of the Central District issued an
16 Order in *Blackburn* granting the parties’ joint stipulation to transfer venue to the District of Nevada;

17 WHEREAS, on October 12, 2018, *Blackburn* was assigned to Judge Gordon;

18 WHEREAS, on December 23, 2018, the parties in *Fullenkamp* and *Blackburn* filed a joint
19 stipulation to consolidate the two derivative actions;

20 WHEREAS, on January 8, 2019, the Defendants in *Checkman*, *Blackburn*, and *Fullenkamp* filed
21 three Notices of Related Cases to relate *Checkman*, *Blackburn*, and *Fullenkamp*;

22 WHEREAS, on January 8, 2019, *Blackburn* and *Fullenkamp* were consolidated as *In re Allegiant*
23 *Travel Co. Stockholder Derivative Litigation* (Case No. 2:18-cv-1864-GMN-CWH) (the “Consolidated
24 Derivative Action”) and reassigned to Judge Navarro;

25 WHEREAS, on April 8, 2019, the Plaintiffs in the Consolidated Derivative Action filed a Verified
26 Consolidated Stockholder Derivative Complaint;

27 WHEREAS, in *Checkman*, Defendants’ motion to dismiss is fully briefed;

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1 WHEREAS, on May 13, 2019, in the Consolidated Derivative Action the Court granted the parties'
2 joint stipulation for a limited stay of proceedings pending Judge Gordon's ruling on the motion to dismiss in
3 *Checkman*;

4 WHEREAS, the Court has not yet ruled on the Notices of Related Cases filed on January 8, 2019;

5 WHEREAS, the Plaintiffs in the Consolidated Derivative Action agree that the action contains
6 factual contentions that overlap with the allegations in *Checkman*, and the administration of justice would
7 be best served by having the same judicial officer — Judge Gordon — assigned to both *Checkman* and the
8 Consolidated Derivative Action;

9 WHEREAS, this stipulation is not a waiver of any of the parties' rights, remedies, claims, or defenses.

10 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, and upon approval and
11 entry by the Court shall be ORDERED, as follows:

- 12 1. Pursuant to the Court's approval, *Checkman* and the Consolidated Derivative Action shall be
13 deemed related.
- 14 2. Pursuant to the Court's approval, the Consolidated Derivative Action shall be reassigned to
15 Judge Gordon.

16 **IT IS SO STIPULATED.**

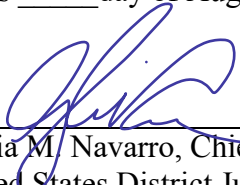
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18 **ORDER**

19 **IT IS HEREBY ORDERED** that, pursuant to the parties' Stipulation, Case No. 2:18-cv-1864-
20 GMN-DJA shall be reassigned to Judge Andrew P. Gordon.

21 **IT IS FURTHER ORDERED** that Case No. 2:18-cv-1864-GMN-DJA and Case No. 2:18-
22 cv-1758-APG-BNW shall be identified as related cases in their respective dockets.

23 **IT IS SO ORDERED.**

24 **DATED** this 20 day of August, 2019.

25
26 
27 _____
28 Gloria M. Navarro, Chief Judge
United States District Judge

25
26 
27 _____
28 Andrew P. Gordon
United States District Judge